



CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Adjourned Regular Meeting
April 19, 2006**

**6:00 p.m. – Council Conference Room
7:00 p.m. – Council Chambers**

**8200 Westminster Boulevard
Westminster, California 92683**

**MARGIE L. RICE
MAYOR**

**FRANK G. FRY
Mayor Pro Tem**

**KERMIT MARSH
Council Member**

**ANDY QUACH
Council Member**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

GENERAL INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

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April 19, 2006

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 6312 California Avenue; City Negotiators: Interim City Manager Andrew Hall and Director of Public Works/City Engineer Marwan Youssef; Negotiating party: Tina Tran; Under Negotiation: Price and Terms of Payment; and
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS:

AGENDA

April 19, 2006

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, FRY, MARSH, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: City Attorney

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Presentation of Proclamation declaring April, 2006 as "National Donate Life Month" in the City of Westminster.

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1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of March 8, 2006 and March 22, 2006; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 27, 2006; Minutes of the Special Meeting of March 31, 2006; Minutes of the Adjourned Regular City Council/Redevelopment Agency of April 5, 2006; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 12, 2006. (Marian Contreras)**

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

- 1.3 Proclamation declaring April 22, 2006 as "National Arbor Day" in the City of Westminster**

RECOMMENDATION: Approve.

- 1.4 Proclamation declaring April, 2006 as "Voter Education Month" in the City of Westminster for the June 6, 2006 Primary Election**

RECOMMENDATION: Approve.

- 1.5 Proclamation declaring April 23-29, 2006 as "National Crime Victims' Rights Week" in the City of Westminster**

RECOMMENDATION: Approve.

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1. CONSENT CALENDAR (Continued)

1.6 Proclamation declaring April 23-30, 2006 as "Days of Remembrance" of the Victims of the Holocaust

RECOMMENDATION: Approve.

1.7 Purchase of One Ton Water Division Production Truck with Service Body (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Fairview Ford Sales, Inc. in the amount of \$33,328.28 to purchase a one-ton water division production truck with service body.

1.8 Rejection of Bids for Purchase of a One Ton Water Stand-by Truck with Service Body (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids received for the purchase of a one ton water stand-by truck with service body.

1.9 Award of Contract for Purchase and Installation of One on-site Chlorine Generation Unit (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the contract with SB Water Services Company in the amount of \$43,000, and authorize the Interim City Manager to execute the contract on behalf of the City.

1.10 First Amendment to Agreement for Interim Economic Development Services (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the First Amendment to the Agreement for Interim Economic Development Services with Rosenow-Spevacek Group, Inc. for an amount not to exceed \$82,500, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS - None

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1. CONSENT CALENDAR (Continued)

ADMINISTRATIVE ITEMS

- 1.11 Special Event Permit application from Circus Broadway to hold an animal free circus beginning May 2, 2006 through May 9, 2006 (includes set up and clean up days). The Circus will be open to the public May 4, 2006 through May 8, 2006. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

- 1.12 Increase Purchase Order with Liebert, Cassidy & Whitmore to provide legal services for the City. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and the City Council approve an increase of \$50,000 to the purchase order with Liebert, Cassidy & Whitmore to bring the total to \$100,000.

- 1.13 Agreement with Haight, Brown & Bonesteel, LLP to provide legal services to the City. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the agreement with Kevin M. Osterberg of Haight, Brown & Bonesteel, LLP, to provide legal services to the City and authorize the Interim City Manager to execute the agreement on behalf of the City; and
- 2) Approve a purchase order to Haight, Brown & Bonesteel, LLP, in the amount of \$50,000.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated March 15 through April 11, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.15 Minutes of the Planning Commission meetings held March 1, 2006 and March 15, 2006 (Don Anderson)**

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.16 Community Development Department Monthly Activity Report – March 2006 (Don Anderson)

RECOMMENDATION: Receive and file.

1.17 Treasurer's Report – February 2006 (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Commission on Aging meeting held on January 9, 2006 (Greg Johnson)

1.19 Minutes of the Youth Committee meeting held on February 8, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.20 Minutes of Traffic Commission meeting held on March 7, 2006 (Marwan Youssef)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meetings held on April 5, and April 12, 2006.

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meetings of April 5, and April 12, 2006:

- 1) Case No. 2005-64: construction of an 8,042-square-foot office building with at-grade and subterranean parking located at 8201 Westminster Boulevard.
- 2) Case No. 2005-68: construction of a 7,581-square-foot office/retail building located at 7412 Westminster Boulevard.
- 3) Case No. 2006-03: construction of a 1,800-square-foot addition and exterior remodeling of the Hoa Binh Plaza retail center located at 9062 Bolsa Avenue.
- 4) Case No. 2006-11: construction of a wireless telecommunications facility on the existing Southern California Edison transmission tower at the southwest corner of Hazard Avenue and Hoover Street.
- 5) Case No. 2006-13: construction of a roof-top wireless telecommunications facility at 8990 Westminster Boulevard.

4. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

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4. PUBLIC HEARINGS (Continued)

4.1 ADOPTION OF NEGATIVE DECLARATION AND CASE NO. 2006-09, AMENDMENT OF THE CITY'S PARK DEDICATION REQUIREMENTS (Continued from the February 22, 2006 and March 22, 2006 meetings) (Don Anderson)

Time set for a public hearing to consider a proposed negative declaration and ordinance to amend sections of Chapter 16.12 (Dedication for Park or Recreation Purposes) of Title 16 (Subdivisions) of the Westminster Municipal Code and establish a new modified formula to determine the amount of on-site open space that may be credited against the dedication requirement for park and recreational purposes associated with residential subdivisions. As a result of the Planning Commission's request, this project now includes a proposal to adopt minimum open space requirements for residential developments.

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council introduce Ordinance 2400 entitled: "An Ordinance of the City of Westminster amending Title 16 of the Westminster Municipal Code providing a formula for determining amount of on-site open space and recreational amenities that may be credited against the dedication requirements for park and recreational purposes or in-lieu fees associated with residential subdivisions and amending Title 17 of the Westminster Municipal Code establishing minimum on-site open space requirements for residential developments"; and waive further reading.

4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-59 (SITE PLAN, DESIGN REVIEW, VARIANCE); LOCATION: 14502 BEACH BOULEVARD; APPLICANT: ENTER-ARC, INC., LANCE BROWN, A.I.A. (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to approve the construction of a 5,535 square foot retail building on a 0.47 acre site. The required entitlements include Site Plan review to assess the proposed site layout, Variance from setback requirements on Beach Boulevard, Variance from free standing sign limits, Variance from maximum sign area standards, and Design Review to assess the architectural design of the development.

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 3993 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-59 (Site Plan, Design Review, and Variance), a request to develop a 5,535 square foot retail building at 14502 Beach Boulevard, and adopting a Mitigated Negative Declaration," and waive further reading.

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4. PUBLIC HEARINGS (Continued)

4.3 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-20 (SITE PLAN AND DESIGN REVIEW); LOCATION: 15420 BROOKHURST STREET; APPLICANT: TRUNG VO (TIM VO) (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to approve the demolition of a portion of an existing retail center, to construct a new 23,409 square foot retail/office building, and remodel the exterior of the remainder of the existing center to match the new structure on a 2.60 acre site. The required entitlements include Site Plan review to assess the proposed site layout and Design Review to assess the architectural design of the development.

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 3994 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-20 (Site Plan and Design Review), a request to demolish a portion of an existing retail center to construct a new 23,409-square-foot retail/office building at 15420 Brookhurst Street, and adopting a Mitigated Negative Declaration," and waive further reading.

4.4 Weed Abatement – Spring, 2006 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 3989 entitled, "A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the Interim City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading.

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5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Lease Agreement for one City Hall Copier (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and the City Council approve a three-year lease agreement for one digital copier (Model Bizhub 600) with Konica Minolta at an annual cost of \$11,748.00.

6.2 (City/Agency) Increase the purchase order for temporary Special Services Clerk services for the Code Enforcement Division of the Community Development Department (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board Members:

- 1) Approve the transfer of funds in the amount of \$3,503.00 from Salary/Code Enforcement (Account No. 285-63050-40000) to Code Enforcement Professional/Contractual Services (Account No. 63050-43090); and
- 2) Approve the increase to the purchase order in the amount of \$3,503.00 with AppleOne for services provided by the temporary Special Services Clerk for the Code Enforcement Division.

6.3 Expansion of services offered by Staten Island Hotdogs, a commercial vendor in the Civic Center (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the expansion of services to permit Notary Public service, and delivery of lunches to employees in the Civic Center.

6.4 Reduction of Conditional Use Permit fee to allow a food service cart (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee reduction.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.5 Rose Center Foundation Contract Reporting Information (Dick Jones)

RECOMMENDATION: That the Mayor and City Council receive and file the information on the hiring of Tim Nelson as the Rose Center Theater Executive Director.

6.6 Authorize the purchase of a single family property for water distribution system purposes (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an appropriation of \$590,000 from the Utility Operating Fund Retained Earnings-Unreserved (Account No. 00600-72050) to the Land and Improvements account (Account No. 57000-47070); and
- 2) Authorize the purchase of a single family property located at 6312 California Avenue, for water system purposes, in the amount of \$590,000.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the Rose Center Foundation requesting financial assistance from the City in the amount of \$2,500 for the Mayor's Ball to be held on Saturday, June 24, 2006.

RECOMMENDATION: That the Mayor and City Council provide direction to staff. If the Mayor and City Council choose to approve this financial assistance, the funds would come from the General Fund Contingency.

8. LEGISLATIVE ITEMS

8.1 Resolution No. 3997 – "A Resolution of the Mayor and City Council of the City of Westminster repealing Resolution No. 3489 which provided for the installation of disabled parking restrictions at 15911 Plumwood" – T.C. 77-142 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3997 approving the removal of blue curb (special parking zone for handicapped individuals) on the west side of Plumwood Street, and waive further reading.

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9. COMMISSION AND COMMITTEE ITEMS

9.1 Council Representation on Outside Agencies

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Select a member to serve as the City's representative as Director to the Orange County Fire Authority; and
- 2) Select a member to serve as the City's representative as Director to the West Orange County Water Board; and

9.2 Request for parking restrictions in front of 7221 Trask Avenue – T.C. 81-107 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3992 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions in front of 7221 Trask Avenue", and waive further reading.

9.3 Request for parking restrictions at 7351 Westminster Boulevard – T.C. 06-100 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3996 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on Illinois Street at the rear of 7351 Westminster Boulevard (Orange County Fire Authority Station 64)", and waive further reading.

9.4 Request for On-Street Disabled Parking Restrictions in front of 10172 Premier Avenue – T.C. 77-142 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3991 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of disabled parking restrictions at 10172 Premier Avenue", and waive further reading.

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10. **COUNCIL/AGENCY ADJOURNMENT:** To Monday, April 24, 2006 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of discussing the design and financing for the construction of a new police facility and to discuss City/Agency business.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Janet Mayfield, Acting City Clerk/Agency Secretary